IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.2748 OF 2006

M/s. Radhakrishna Foodland Pvt. Ltd. &
Ors. ...Petitioners.
V/s.
Shri S.P.Phadate & Anr. ...Respondents.

Shri P.K.Rele with P.N.Anaokar and Shri Rahul D. Oka, advs. for the Petitioners.
Mr.S.M.Chinchalkar, adv. for Respondent No.1.
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 10th January, 2007.

P.C.:

1. Heard Mr.Rele, Senior Counsel for the petitioners and Mr.Chinchalkar for respondent no.1.

2. It appears that in the complaint (MHWA) No.9 of 2006 filed by respondent no.1 against the present petitioners, process was issued by the Labour Court. Petitioner No.1 was served with notice but petitioner nos.2 and 3, who are the directors, were not actually served. In spite of this on 8-12-2006, respondent no.1 made an application before the Labour Court to issue bailable warrants against petitioner nos.2 and 3 and accordingly, bailable warrants were issued. The petitioners by filing this petition have challenged the issuance of process as also the issuance of bailable warrants against petitioner nos.2 and 3. It is now well

settled that issuance of process is not purely an interlocutory order and it being an intermediate order, revision lies before the revisional Court. The learned counsel for both the parties agree that execution of bailable warrant against petitioner nos.2 and 3 be stayed and petitioners may be relegated to the remedy of filing a revision before the appropriate Court.

3. In view of above referred circumstances, execution of bailable warrants issued against petitioner nos.2 and 3 shall remain stayed till filing of the revision petition provided it is filed within four weeks. If the revision petition is filed within four weeks from this date, objection of limitation will not be raised.

4. The petition stands disposed off with liberty to the petitioners to file revision petition before the appropriate Court and in terms of the aforesaid directions.

(J.H.Bhatia,J.)